

### **REMARKS**

Claims 1 – 116 remain in the application. Claims 1, 2, 3, 39 – 50, 52, 53, 54, 85, 86, 88 – 96, 98 – 100, 106, 107, 113 and 114 have been amended. Of the claims under consideration, claims 1 and 52 are independent.

A Petition for a Three Month Extension of Time is enclosed herewith, along with the appropriate fee.

In the subject office action, Claims 1-18, 20-69 and 71-116 were rejected under 35 USC § 102(e) as anticipated by the US Patent No. 6,005,561 (Hawkins, et al.). Additionally, Claims 19 and 70 were rejected under 35 USC § 103(a) for obviousness over Hawkins, et al.

With respect to the rejection of Claims 1-18, 20-69, and 71-116, under 35 USC § 102(e), Applicant respectfully submits that in responding to this rejection, Applicant does not waive the opportunity to submit an Affidavit Or Declaration Of Prior Invention in accordance with 37 CFR § 1.131. Applicant expressly reserves the right to submit such an affidavit or declaration under CFR § 1.131 at a later date should this become necessary.

Applicant further traverses the rejection of the Claims under 35 USC § 102(e) as anticipated by Hawkins, et al.

Specifically, the presently claimed invention is directed to a method and system allowing for the creation of highly targeted video programming content, with the video programming content adaptively customized for each of an individuated set of viewers. A conventional linear video program is subdivided into video programming segments, such as scenes and advertising content, which are assembled, in sequential fashion, in order to define what appears to be a linear video program.

The presently claimed invention is further concerned with providing various alternative video programming segments that are able to be sequentially combined into a complete linear program. Alternative video programming segments may be substituted for one another. When alternative video programming segments are substituted for one another, in the program flow of an apparently linear program, the resulting program creates a customized viewing experience that is adaptively configured for each individual viewer. Selection of which particular ones of the alternative video programming segments are to be included in the program is determined by a multitude of different factors, but not least by analysis of particular viewing preferences of each individual user.

The result of this segmentation and substitution is the creation of an apparently linear video program, which is different for each individual viewer based upon each viewer's determined preferences. In short, and in the context of the presently claimed invention, one viewer might experience a more "raunchy" Seinfeld episode, by having more "explicit" alternative video programming segments incorporated into their program flow, while another viewer, with children, would experience an episode that was considerably more "family-

friendly”, by having more “benign” alternative video programming segments incorporated into their program flow.

Advertising and other inserts of video programming segments may also be different for each user; resulting in a unique video program experience for each of a number of different viewers.

Independent Claims 1 and 52 have been amended to more clearly point out this particular feature of the presently claimed invention. Independent Claims 1 and 52 made clear that a linear video program is comprised of a set of programming segments that create a linear program when assembled. Segments are provided in alternative forms, such that a different segment, having different content, may be substituted into the video flow in accordance with the viewing, demographic, or other preferences of the viewer.

Hawkins, et al. is not understood to disclose or suggest any of the foregoing, and is particularly not understood to disclose or suggest subdividing a video program into a set of discrete video programming segments, such that sequential display of the video programming segments results in an apparently linear video program. Nor does Hawkins, et al disclose or suggest configuring the set of video programming segments for each viewer, with at least one of the video programming segments selected from a plurality of available alternative video programming segments, to create a customized and apparently linear program for linear delivery to each of the plurality of viewers in accordance with viewer characteristic information.

Specifically, Hawkins, et al. discusses a user interface that supports an electronic program guide (EPG) hosted as digital media objects and a transmission methodology for transmitting the same to a plurality of viewers. Additionally, the subject of the Hawkins, et al. reference utilizes a broadcast streaming approach for information delivery through a conventional television distribution network. Full motion video, still images, artwork, music, information and other data are provided to an end user as an information guide to all information sources available on a network in order to minimize bandwidth overhead issues that attend broadcast or cable systems.

In short, Hawkins, et al. discloses nothing more than a methodology for broadcasting a data stream of media objects that define broadcast programming information program guide. The Hawkins, et al. reference says nothing about the content of the video programs for which the Hawkins, et al. programming guide is indicative. Each of the Hawkins, et al. objects are internally fixed. None of the Hawkins, et al. objects is capable of segmentation and none of the Hawkins, et al. objects are assembled from segments into an apparently linear program.

The Hawkins, et al. reference, therefore, does not disclose or suggest subdividing programs into programming segments and then adaptively constructing a linear video program from a set of alternative programming segments depending on a viewer's preference, the demographic characteristics of a set of viewers, or the like. Indeed, the Hawkins, et al. reference says absolutely nothing about how programming is constructed or adaptively changed. Hawkins, et al. only describes a system and method by which electronic programming guide (EPG)

information may be provided to multiple users without adversely affecting transmission bandwidth.

Applicant respectfully submits that Independent Claims 1 and 52 contain patentable subject matter over the Hawkins, et al. reference. Further, Claims 2-51 and 53-116 depend from Independent Claims 1 and 52 and partake of their novel subject matter. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-116 over US Patent No. 6,005,561 to Hawkins, et al.

Applicant respectfully requests a timely notice of allowance and early passage to issue of this case.

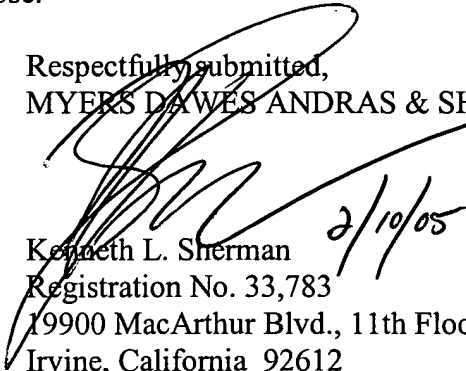
**CONCLUSION**

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900 MacArthur Blvd., 11<sup>th</sup> Floor, Irvine, California 92612.

Please charge any additional fees to our Deposit Account No. 01-1960. An additional copy of this letter is enclosed for that purpose.

Respectfully submitted,  
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